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Attorney Docket No.: 2003P08220US

REMARKS

Upon entry of the instant amendment, Claims 1-19 are pending. Claim 1 has been amended to more particularly point out applicants' invention.

Claims 1-19 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 1-32 of co-pending U.S. Patent Application Serial No. 10/672,641, and claims 1-31 of co-pending U.S. Patent Application Serial No. 10/672,364. Applicants will consider filing a terminal disclaimer when allowable subject matter is indicated.

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis et al., U.S. Patent Publication No. 2003/0018704 ("Polychronidis") in view of McDowell et al., U.S. Patent Publication No. 2002/0035605 ("McDowell"), Yugami, U.S. Patent Publication No. 2003/0027583 ("Yugami"), and Barnett, U.S. Patent No. 6,958,688 ("Barnett"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Polychronidis, McDowell, Yugami, or Barnett, either singly or in combination.

As discussed in the Specification, aspects of the present invention relate to a telecommunications system including a plurality of network clients including a positioning controller and a communications controller; and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked, said database further including position-presence correlation information for individual users; wherein said positioning server is adapted to receive position information from said plurality of network clients and distribute presence information related to said position information as one or more e-mails to one or more network enterprise devices. In some embodiments, the location information may be transmitted from the client devices to the server via a toll-free telephony interface. The server converts the received information into an e-mail format and transmits information as such to the clients.

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Thus, claim 1 has been amended to recite, "wherein said positioning server is adapted to receive position information from said plurality of network clients via a toll-free telephony interface and distribute presence information related to said position information formatted into one or more e-mail messages to one or more network enterprise devices."

In contrast, as acknowledged in the Official Action, Polychronidis does not provide for transmitting presence information as e-mail or receiving it as a toll free telephone call; instead, Yugami and Barnett are relied on for such teaching, respectively. However, Yugami has nothing to do with transmitting presence via text or e-mail from a server to a client device as generally recited in the claims at issue. Contrary to the suggestion in the Official Action, Yugami does not provide for transmitting presence via e-mail from a server to a client device. Yugami instead relates to transmitting location information from a client device to a server via e-mail and not, as recited, from a presence server to a client device.

While Polychronidis provides for transmitting information from an HLR via SMS, nothing in either references suggests that e-mail or text can or should be used for such purposes or for transmitting location information to network devices. Indeed, if anything, Polychrinidis suggests that e-mail would be unsuitable for such use. "An SMSC is well-suited for providing user presence and location information, as it already performs similar logic while managing short messages. (Para. 0037)."

Furthermore, applicants respectfully submit that Polychronidis teaches away from combination with, e.g., Yugami in other respects. Polychronidis explicitly states that including location capability . . . in a handset can undesirably increase the size, complexity, and cost of the handset." Para. [0003]. Thus, in Polychronidis, location information is accessed from, e.g., the HLR of the wireless network. This "avoids the need to equip user handsets with special software or hardware..." Para. [0021]. Polychronidis thus teaches that it is undesirable to provide a user device with its own positioning equipment; that it is undesirable to use anything other than SMS; and,

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indeed, teaches that sending position information in any format from a user device is undesirable.

McDowell is relied on for allegedly teaching a position-presence correlation database. However, while McDowell provides a presence server and a location proxy server, presence and location in McDowell do not ever appear to be correlated. That is, as discussed in the Specification, the position-presence correlation database functions, inter alia, to define or associate a user presence based on a position. In McDowell, however, no such presence definition is made.

Finally, Barnett is relied on for allegedly teaching a mobile device initiating a toll-free call for reporting a GPS determined location information to a central hub. This is incorrect. Barnett provides a system in which a user obtains a smart security card associated with an item of value. If the item is stolen, the card is swiped at a compatible reader. The information is transmitted to a "hub," which can identify the location at which the card was scanned.

If the card is nonfunctional or has itself been stolen, the user can call in or e-mail in to a live operator at the security firm and provide his location. The location information may be determined "according to registered e-mail addresses for information points." Thus, location information is not sent in the e-mail or toll-free call. In instances where a user device has a GPS, Barnett explicitly states that "this intermediate step is not needed." Col. 5, lines 1-3. Further, as discussed above, however, Polychronidis teaches away from a user device reporting any kind of location information.

Thus, because the references explicitly teach away from combination and, even when combined, do not teach, suggest, or imply the claimed invention, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Applicants note that claims 4 and 5 are not listed as being rejected, but are discussed as such in the body of the rejection of claims 1-3. In any case, Applicants

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respectfully submit that these claims, too, are not taught, suggested, or implied by Polychronidis, McDowell, Yugami, or Barnett, either singly or in combination.

Claim 4 recites "wherein said positioning server is adapted to receive position information from said plurality of network clients via a toll-free telephone interface and distribute presence information related to said position information as one or more text messages to one or more network enterprise devices" and "wherein said plurality of network clients are adapted to receive updates to said position-presence correlation information as e-mails from said positioning server;" and claim 5 recites "a location control unit adapted to receive and maintain location information for said plurality of users via a toll-free telephone interface, said location information correlated with said presence information" and "an e-mail generation unit adapted to generate presence status e-mail and location-presence correlation information from said location information for network users."

For reasons similar to those discussed above these claims are believed allowable. In addition, Applicants note that claims 4 and 5 recite that the position-presence or location-presence information may be updated via e-mails, i.e., in addition to the location and presence information. None of the references appear to even hint at such features. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis in view of McDowell, Yugami, Barnett, and Chan, U.S. Patent No. 6m6,760,759 ("Chan"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Polychronidis or McDowell, Yugami, Barnett, or Chan, either singly or in combination.

Polychronidis, McDowell, Barnett, and Yugami have been discussed above. Chan merely provides a mobile telephone with wireless dial up capability. However, like Polychronidis, McDowell, Barnett, and Yugami, Chan does not appear to relate to transmitting presence information in an e-mail from a server or transmitting location

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information through a toll free telephony interface. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 7-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis in view of McDowell, Yugami, Barnett, and Yoakam et al., U.S. Patent No. 6,658,095 ("Yoakam"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Polychronidis, McDowell, Yugami, Barnett, or Yoakam, either singly or in combination.

Claim 7 recites "receiving one or more user positioning and presence correlation rules at a local controller via a toll-free interface and transmitting said one or more positioning and presence correlation rules to a remote device as one or more rules e-mails." Polychronidis, McDowell, Barnett, and Yugami have been discussed above. In particular, as discussed above, Polychronidis, McDowell, Barnett, and Yugami do not relate to providing positioning information or positioning rules as e-mails or a toll-free telephony interface for receiving location information. Yoakam is relied on for allegedly teaching customized presence information delivery. However, like Polychronidis, McDowell, Barnett, and Yugami, Yoakam does not appear to recognize rules or presence location information being transmitted as one or more e-mails. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis, Yugami, and Barnett. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Polychronidis, Barnett, or Yugami, either singly or in combination.

Claim 14 recites "a communications controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server via toll-free telephone interface; and an e-mail controller adapted to receive positioning information control updates from said associated server." Polychronidis, Barnett, and Yugami have been discussed above. In particular, as noted above, neither Polychronidis nor Barnett nor Yugami

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relate to providing a toll-free telephony interface for location information, or for transmitting presence as an e-mail to user devices. Indeed, the references teach away from such combination. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 16 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis, Barnett, Yugami and further in view of Yoakam. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis in view of Yugami, Yoakam, Barnett, and further in view of Chan. Each of these references has been discussed above. None of the references teach, inter alia, an e-mail controller for receiving updates at the client, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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